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6 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 v.

11 JOSE FELICIANO LUGO,

12 Defendant.

Case No. CR18-217-RSM

DETENTION ORDER

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14 Offenses charged:

15 Count 1: Conspiracy to Distribute Controlled Substances, 18 U.S.C. §§ 841(a)(1),
16 841(b)(1)(A), and 846; and

17 Count 43: Felon in Possession of Firearms, 18 U.S.C. §§ 922(g)(1), 924(a)(2).

18 Date of Detention Hearing: November 4, 2019

19 The Court conducted a detention hearing pursuant to 18 U.S.C. § 3142(f)(1)(C) for an
20 offense for which a maximum term of imprisonment of ten years or more is prescribed in the
21 Controlled Substances Act. This is not an offense involving a crime of violence pursuant to 18
22 U.S.C. § 3142(f)(1)(A). *See United States v. Twine*, 344 F.3d 987 (9th Cir. 2003). Based upon the
23 reasons stated on the record and as set forth below the Court finds:

1 FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

- 2 1. There is a rebuttable presumption that no conditions or combination of conditions
- 3 will reasonably assure the appearance of the person as required and the safety of
- 4 any other person or the community pursuant to 18 U.S.C. § 3142(e)(3)(A).
- 5 2. Defendant has strong family and community ties and a permanent residence with
- 6 his mother. Defendant lacks any steady employment.
- 7 3. The allegations involve possession and intent to sell over 13 firearms.
- 8 4. Defendant has numerous failures to appear in his criminal history, Defendant
- 9 previously failed to comply with bond conditions in his prior matter before this
- 10 Court leading to bond revocation, Defendant has not complied with bond conditions
- 11 and supervised release conditions in the past, including a failure to adhere to GPS
- 12 program requirements and a finding by this Court of untruthfulness relating to his
- 13 drug use, and Defendant is charged with conspiracy to distribute an especially
- 14 dangerous substance.
- 15 5. There does not appear to be any condition or combination of conditions that will
- 16 reasonably assure the Defendant's appearance at future court hearings while
- 17 addressing the danger to other persons or the community.
- 18 6. Taken as a whole, the record does not effectively rebut the presumption that no
- 19 condition or combination of conditions will reasonably assure the appearance of the
- 20 Defendant as required and the safety of the community.

21 IT IS THEREFORE ORDERED:

- 22 (1) Defendant shall be detained pending trial, and committed to the custody of the
- 23 Attorney General for confinement in a correction facility separate, to the extent

1 practicable, from persons awaiting or serving sentences or being held in custody
2 pending appeal;

3 (2) Defendant shall be afforded reasonable opportunity for private consultation with
4 counsel;

5 (3) On order of a court of the United States or on request of an attorney for the
6 government, the person in charge of the corrections facility in which defendant is
7 confined shall deliver the defendant to a United States Marshal for the purpose of
8 an appearance in connection with a court proceeding; and

9 (4) The Clerk shall direct copies of this Order to counsel for the United States, to
10 counsel for the defendant, to the United States Marshal, and to the United States
11 Pretrial Services Officer.

12 Dated this 4th day of November, 2019.

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15 MICHELLE L. PETERSON
16 United States Magistrate Judge
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